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TAGS: [KTIP](#) [ELAB](#) [KCRM](#) [KPAO](#) [KWMN](#) [PGOV](#) [PHUM](#) [PREL](#) [SMIG](#) [BY](#)  
SUBJECT: BURUNDI -- 2009 TIP REPORT: PRESS GUIDANCE AND  
DEMARCHE

REF: A. (A) STATE 59732  
[1](#)B. (B) STATE 005577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Burundi of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Burundi and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at [www.state.gov/g/tip](http://www.state.gov/g/tip) shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Burundi of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

17. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

18. Begin Final Text of Burundi,s country narrative in the 2009 TIP Report:

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BURUNDI (TIER 2 WATCH LIST)  
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Burundi is a source country for children trafficked for the purposes of child soldiering, domestic servitude, and commercial sexual exploitation. The rebel faction National Liberation Force (FNL) remained the only armed group not to have fully implemented a ceasefire agreement with the government, and it continued to unlawfully recruit and exploit children as fighters, manual laborers, and logistical support throughout the majority of the reporting period; the FNL appeared to cease child recruitment in early 2009 after the commencement of the formal demobilization process. Generally, child soldiers and other children were identified, separated from the adults at the demobilization camps and pre-assembly areas, and returned to their homes early to mid-2009. FNL rebels reportedly forced rural populations to perform uncompensated labor, such as transporting supplies or weapons, during the reporting period. Some Burundian children are also trafficked within the country for domestic servitude and commercial sexual exploitation. While there is little evidence of large-scale child prostitution, &benevolent8 older females offer vulnerable younger girls room and board within their homes, and eventually push them into prostitution to pay for living expenses; extended family members reportedly also financially profit from the commercial sexual exploitation of young relatives residing with them. Male tourists from Oman and the United Arab Emirates exploit Burundian girls in prostitution; parents reported six cases of such liaisons to the police during the reporting period. Burundian girls are also trafficked to Kenya, Malawi, and Uganda for commercial sexual exploitation.

Human trafficking of Burundian adults and children with albinism to Tanzania for the forcible removal of body parts may occur; so-called Tanzanian traditional healers seek various body parts of persons with albinism for traditional medical concoctions commonly purchased to heal illness, foster economic advancement, or hurt enemies.

The Government of Burundi does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these overall significant efforts, the government did not show evidence of progress in prosecuting human trafficking offenses and punishing trafficking offenders over the last year; therefore, Burundi is placed on Tier 2 Watch List.

Recommendations for Burundi: Utilize the anti-trafficking provisions of the newly passed criminal code amendments to prosecute and convict trafficking offenders; establish an official process for law enforcement and social welfare officials to interview potential trafficking victims and refer them for assistance; take steps to remove children trafficked into prostitution and domestic servitude and provide them with protective services; launch a nationwide anti-trafficking public awareness campaign; and provide training on human trafficking to new police and border guards.

Prosecution  
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The government,s anti-trafficking law enforcement efforts

were limited during the reporting period. Article 241 of the Burundian Constitution prohibits slavery and its criminal code outlaws forced labor and kidnapping. During the November 2008 legislative session, the National Assembly approved amendments to the criminal code that, among other things, prohibit human trafficking and prescribe sentences of five to ten years, imprisonment; the amendments do not, however, provide a clear definition of human trafficking. The draft amendments were subsequently considered by Burundi's Senate, and signed into law by the president in April 2009. The revised criminal code, however, prescribes no explicit penalties for forced labor or slavery, and penalties of five to 10 years, imprisonment for kidnapping. Sex trafficking crimes can be punished using statutes on brothel-keeping and pimping, which prescribe penalties of one to five years, imprisonment. The existing penalties are sufficiently stringent but not commensurate with those prescribed for other serious offenses. Nevertheless, there were no investigations, prosecutions, or convictions for trafficking under these statutes during the reporting period.

The National Police's Brigade for the Protection of Women and Children provided counseling for girls detained for engaging in prostitution before releasing them to their parents. Additionally, after receiving citizen complaints, it investigated house-based brothels where children were allegedly exploited; there was no known punishment of brothel operators during the reporting period. Victims, families lodged three cases of forced prostitution with police in 2008; the investigations are pending.

#### Protection

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The government provided minimal assistance to trafficking victims during the reporting period. Fighting between the government and the FNL intensified in April 2008, making negotiations for the release of child soldiers increasingly urgent yet difficult. The Executive Secretary of the National Commission for Demobilization, Reinsertion and Reintegration played a prominent role in the negotiations. As a result, 220 child soldiers were identified at the Randa &dissident camp in May 2008 and released to officials from the United Nations, the African Union, and the Government of Burundi. With UNICEF funding, the Commission's staff provided medical check-ups for children suffering from physical and psychological trauma and conducted searches for their families; the former child soldiers were reunited with their families in June and July after parents signed a discharge form. The government attempted to follow up on the status of demobilized children, but was hindered by a lack of resources to operate outside of Bujumbura, where the majority of these demobilized child soldiers now reside. The government did not, however, undertake programming to care for or rehabilitate female children associated with the FNL. There are currently no children at Randa or Buramata &dissident camps for rebel elements seeking demobilization, but the existence of children in Rubira, the FNL assembly area, was reported during 2008.

The government did not, however, provide protective services to victims of any other category of human trafficking during the reporting period, or show evidence of implementing procedures to identify such victims of trafficking or refer them to organizations that provide protective services. The government did not encourage victims to participate in investigations or prosecutions of trafficking offenders, nor did it ensure that victims were not inappropriately incarcerated or otherwise penalized solely for unlawful acts committed as a direct result of being trafficked.

#### Prevention

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The government's efforts to prevent trafficking remained lackluster. A poor understanding of human trafficking among government officials, particularly the police, continued to be an impediment to effective intervention. In June 2008, the government sent officials from the Ministry of Justice, the Supreme Court and the National Crime Bureau to Dar es Salaam for a meeting of regional security and judicial

officials to draft a Regional Action Plan to Prevent and Combat Human Trafficking in Eastern Africa. The Ministry of Labor conducted no child labor inspections or investigations in 2008. During the year, the Ministry of National Security and Human Rights, in conjunction with the National DDR Commission and with production assistance from an international NGO, sponsored radio spots that aired four times each week to educate citizens about topics such as human trafficking and violence against women. The government did not undertake efforts to reduce demand for commercial sex acts during the reporting period. The pre-deployment training for four battalions of Burundian peacekeepers participating in the African Union's Mission to Somalia, provided by two foreign governments, included a curriculum that created awareness and discouraged acts of trafficking and sexual exploitation. Burundi has not ratified the 2000 UN TIP Protocol.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1 ) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008

contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website [www.state.gov/g/tip](http://www.state.gov/g/tip).

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 EDT.

(end non-paper)

10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

11. The following is press guidance provided for Post to use with local media.

Q1: Why was Burundi placed on Tier 2 Watch List?

A: Burundi was placed on Tier 2 Watch List because it did

not show evidence of progress in prosecuting human trafficking offenses and punishing trafficking offenders over the last year. A poor understanding of human trafficking among government officials, particularly the police, continued to be an impediment to effective intervention. With the exception of care provided to child soldiers associated with the FNL, the government provided minimal assistance to trafficking victims during the reporting period.

Q2: What progress has Burundi made in the last year?

A: With UNICEF funding, the National Disarmament, Demobilization, and Reintegration (DDR) Commission,s staff provided medical check-ups for children suffering from physical and psychological trauma and conducted searches for their families; the former child soldiers were reunited with their families in June and July after parents signed a discharge form. During the year, the Ministry of National Security and Human Rights, in conjunction with the National DDR Commission and with production assistance from an international NGO, sponsored radio spots that aired four times each week to educate citizens about human rights violations such as human trafficking and violence against women.

Q3: What can Burundi do to improve its fight against trafficking in persons?

A: The Burundian government could: utilize the anti-trafficking provisions of the newly passed criminal code amendment to prosecute and convict trafficking offenders; establish an official process for law enforcement and social welfare officials to interview potential trafficking victims and refer them for assistance; take steps to remove children from prostitution and domestic servitude and provide them with protective services; launch a nationwide anti-trafficking public awareness campaign; and institute training on human trafficking as a standard part of the mandatory training program for new police and border guards.

12. The Department appreciates posts, assistance with the preceding action requests.  
CLINTON